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7 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

Case No. 2:22-mj-642-DJA

9 Plaintiff,

**ORDER to Continue the Preliminary  
Hearing (First Request)**

10 v.

11 DEANDRA MICHELLE SMITH,

12 Defendant.

13  
14 It is hereby stipulated and agreed, by and between Jason M. Frierson, United States  
15 Attorney, through Jim W. Fang, Assistant United States Attorney, and Brian Pugh,  
16 Assistant Federal Public Defender, counsel for Defendant Deandra Michelle Smith, that the  
17 preliminary hearing in the above-captioned matter, previously scheduled for October 17,  
18 2022, at 4:00 p.m., be vacated and continued until a time convenient to the Court, but no  
19 earlier than 120 days from the current setting.

20 1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the  
21 defendant’s consent and upon a showing of good cause—taking into account the public  
22 interest in the prompt disposition of criminal cases—a magistrate judge may extend the time  
23 limits [for preliminary hearings] one or more times.” Here, the parties desire to explore the

1 potential to resolve this matter before defendant is formally charged by a criminal  
2 indictment.

3       2. In that regard, the government will be providing defense counsels with limited  
4 Rule 16 discovery in order to facilitate pre-indictment resolution. Defense counsel will need  
5 additional time to review the discovery and discuss the case with defendant prior to a  
6 preliminary hearing or indictment.

7       3. This continuance is not sought for the purposes of delay, but to allow defense  
8 counsel an opportunity to examine the merits of this case, to prepare for the preliminary  
9 hearing and/or a possible indictment/trial, and to reach a potential resolution between the  
10 parties.

11       4. Defendant is not in custody and agrees to the continuance.

12       5. Denial of this request could result in a miscarriage of justice, and the ends of  
13 justice served by granting this request outweigh the best interest of the public and the  
14 defendants in a speedy trial.

15       6. The additional time requested by this stipulation is excludable in computing  
16 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.  
17 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

18                   DATED this 5th day of October, 2022.

19                   JASON M. FRIERSON  
20                   United States Attorney

21                   s/ Jim W. Fang  
22                   JIM W. FANG  
23                   Assistant United States Attorney  
24                   Counsel for the United States

21                   s/ Brian Pugh  
22                   BRIAN PUGH  
23                   Assistant Federal Public Defender  
24                   Counsel for Defendant

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

Case No. 2:22-mj-642-DJA

DEANDRA MICHELLE SMITH,

Defendant.

## **FINDINGS AND ORDER**

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The parties desire to continue the preliminary hearing to facilitate pre-indictment resolution, and the government will be providing defense counsel with limited Rule 16 discovery for that purpose. Defense counsel will need additional time to review the discovery and discuss the case with defendant prior to a preliminary hearing or indictment. The Court finds good cause to continue the hearing to allow the parties to reach a pre-indictment resolution.

2. Both counsels for defendant and counsel for the government agree to the continuance.

3. Defendant is not in custody and agree to the continuance.

4. The continuance is not sought for the purposes of delay, but to allow defense counsel an opportunity to examine the merits of this case, to prepare for the preliminary hearing and/or a possible indictment/trial, and to reach a potential resolution between the parties.

1       5. Denial of this request could result in a miscarriage of justice, and the ends of  
2 justice served by granting this request outweigh the best interest of the public and the  
3 defendants in a speedy trial.

4       6. The additional time requested by this stipulation is excludable in computing  
5 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.  
6 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

7       THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the  
8 above-captioned matter currently scheduled for October 17, 2022, at 4:00 p.m. be vacated  
9 and continued to February 27, 2023, at 4:00 p.m., Courtroom 3A.

10     DATED this 6th      October  
11      day of \_\_\_\_\_, 2022



12      \_\_\_\_\_  
13      HONORABLE DANIEL J. ALBREGTS  
14      UNITED STATES MAGISTRATE JUDGE

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